

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1585-01
Bill No.: SB 523
Subject: Boards, Commissions, Committees, Councils; Economic Development Dept.;
Licenses – Professional; Psychologists
Type: Original
Date: April 4, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Governor, Missouri Senate, State Treasurer’s Office, Office of the State Courts Administrator, Office of the State Public Defender and Department of Public Safety – Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Administrative Hearing Commission (AHC)** anticipate this proposal will not significantly alter its caseload. AHC notes if other similar proposals also pass, creating more cases or more complex cases, there could be a fiscal impact.

Officials from the **Office of Prosecution Services** assume any potential costs arising from this proposal can be absorbed.

Officials from the **Secretary of State’s Office (SOS)** assumed the rules, regulations and forms issued by the Board of Counselors and Therapists and DPR could require as many as 44 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the *Code* because cost statements, fiscal notes and the like are not repeated in the *Code*. These costs are estimated. The estimated cost of a page in the *Missouri Register* and the *Code of State Regulations* is \$23 and \$27, respectively. The actual

ASSUMPTION (continued)

costs could be more or less the SOS's estimated cost of \$2,706 for FY 2004. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules, filed, amended, rescinded or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Office of the Attorney General (AGO)** assume representation of the board would require 0.5 (part-time) Assistant Attorney General I. AGO assumes salary and fringe benefits related to this position would cost General Revenue \$18,437 in FY 2004; \$22,677 in FY 2005; and \$23,244 in FY 2006.

Oversight assumes the AGO will be reimbursed for services from the Board of Counselors and Therapists Fund relating to representation provided to the Board.

Officials from the **Department of Economic Development – Division of Professional Registration (DPR)** assume the proposal would have no fiscal impact on their division. DPR states that over a period of time costs for marital and family therapists may be reduced which would allow for the license fees for marital and family therapists to also be reduced.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
BOARD OF COUNSELORS AND THERAPISTS FUND			
<u>Savings</u> - Decreased costs due to committees merging	\$0	\$0	Unknown
<u>Loss</u> - Reduced fee income due to decreased costs	<u>\$0</u>	<u>\$0</u>	<u>(Unknown)</u>

**ESTIMATED NET EFFECT ON
BOARD OF COUNSELORS AND
THERAPISTS FUND**

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses could be affected by potential decreases in licensing fees.

DESCRIPTION

This proposal regulates the licensure and registration of marital and family therapists and counselors. The proposal:

- Provides the necessary definitions for professional counselors and marital and family therapists (Section 337.300).
- Creates the Board of Counselors and Therapists, which shall consist of nine members to be appointed by the Governor (Section 337.303).
- Abolishes the State Committee of Marital and Family Therapists and the Committee for Professional Counselors and their duties will merge into the Board of Counselors and Therapists (Section 337.305).
- Communications made to licensed professional counselors and licensed marital and family therapists shall be considered privileged (Section 337.306).
- The Board of Counselors and Therapists Fund is created in the state treasury and will consist of all moneys collected by the Board (Section 337.312).
- The Board has the authority to promulgate rules for applications for licenses, fees, examinations, and detemining grievances and violations (Section 337.315).

- Prohibits any unlicensed person from being referred to or practicing as a marital and family therapist (Section 337.403).
- Requires marital and family therapists to be licensed and meet the requisite educational DESCRIPTION (continued)

and examination requirements to practice and be compensated (Section 337.406).
- Details the licensure requirements for marital and family therapists (Sections 337.412 and 337.415).
- Licenses for marital and family therapists will expire every two years. The Board may issue temporary permits for extenuating circumstances (Section 337.418). The Board may refuse to issue or renew a license for a marital and family therapist for any one of a combination of specified causes (Section 337.430).
- Anyone violating the provisions of 337.400 to 337.430 will be guilty of a Class B misdemeanor (Section 337.433).
- The Board shall have the authority to issue subpoenas and require production of documents and records (Section 337.440).
- Prohibits any unlicensed person from being referred to or practicing as a professional counselor (Section 337.505). Details the licensure requirements for professional counselors (Sections 337.507 and 337.510). The Board may refuse to issue or renew a license for a professional counselor for any one of a combination of specified causes (Section 337.525).
- Anyone violating the provisions of 337.505 to 337.540 will be guilty of a Class B misdemeanor (Section 337.530).

This proposal is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Economic Development – Professional Registration
Office of the Governor
Missouri Senate
State Treasurer’s Office
Office of the State Courts Administrator
Office of the State Public Defender
Department of Public Safety – Missouri State Highway Patrol
Office of Administration – Administrative Hearing Commission
Office of Prosecution Services
Secretary of State’s Office
Office of the Attorney General



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APRIL 4, 2003